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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,342	01/22/2004	Ferng-Jong Liou	BHT-3229-17	3431

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TROXELL LAW OFFICE PLLC
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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/761,342	Applicant(s) LIOU, FERNG-JONG	
	Examiner Ruth C Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin (US 6,745,441 B1).

An auxiliary locating mechanism for a spring clamp comprises a curved locking plate (50) and a rack (40) (Figs. 1-3c). The locking plate being provided at the inner side facing toward a first handle (20) of the spring clamp closer to a front end thereof with a supporting arm (53), on which a through hole is formed for a rivet (51) to extend therethrough to assemble the locking plate to the first handle (Figs. 1-3c). The locking plate may be pivotally turned about the rivet relative to the first handle (Figs. 1-3). The rack is provided along a longitudinal edge facing toward the locking plate with a plurality of sequentially arranged teeth (Figs. 1-3c).

Lin also discloses that the curved locking plate is further provided at the inner side (55) with a sideward projecting toothed member located behind the supporting arm by a predetermined distance (Figs. 1-3c). The toothed member is provided at the sideward projected edge with a plurality of teeth (Figs. 1-3c).

The rack disclosed by Lin is provided at a front end with a through hole for a rivet (41) to extend therethrough and thereby fixedly connect the rack to a point near a joint of a second handle (10) of the spring clamp and a jaw extended from a front end of the second handle. A clearance is normally left between the teeth of the rack and the teeth of the toothed member (Figs. 3c).

3. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Bally et al. (US 6,178,855 B1).

An auxiliary locating mechanism for a spring clamp (330) comprises a curved locking plate (331) and a rack (351). The locking plate being provided at the inner side facing toward a first handle of the spring clamp closer to a front end thereof with a supporting arm (between 333 and 349), on which a through hole (374) is formed for a rivet (333) to extend therethrough to assemble the locking plate to the first handle (332) (Figs. 19-22). The locking plate may be pivotally turned about the rivet relative to the first handle (Figs. 19-22). The rack is provided along a longitudinal edge facing toward the locking plate with a plurality of sequentially arranged teeth (Figs. 19-22).

Lin also discloses that the curved locking plate is further provided at the inner side with a sideward projecting toothed member located behind the supporting arm by a

predetermined distance (Figs. 19-22). The toothed member is provided at the sideward projected edge with a plurality of teeth (Figs. 19-22).

The rack is provided at a front end with a through hole for a rivet (353) to extend therethrough and thereby fixedly connect the rack to a point near a joint of a second handle (334) of the spring clamp and a jaw extended from a front end of the second handle. A clearance is normally left between the teeth of the rack and the teeth of the toothed member (Fig. 20).

Allowable Subject Matter

4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Palotce (US 1,772,428), Salla (US 4,538,485), Wiener et al. (US 4,602,535), Undin (US 4,787,279), Ping (US 6,116,124), Bally et al. (US 6,178,855 B1), Huang (US 6,240,815 B1), Stahle (US 6,308,597 B1), Lee (US 6,336,386 B1), Lin (US 6,564,703 B1) and Lin (US 6,745,441 B1) are cited to show state of the art with respect to an

auxiliary locking mechanism for a spring clamp that has some of the features claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

I hereby certify that this correspondence is being facsimile transmitted to
the Patent and Trademark Office (Fax No. (703) 872-9306) on (Date) .

(Signature)


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
May 16, 2005